

## REMARKS

Claims 18-40 appear in this application for the Examiner's review and consideration, including amended claims 18, 20 and 22 and new claims 24-40. Claims 1-17 have been canceled without prejudice.

The specification has been amended to provide antecedent basis for the terms used in the new claims. The new claims and amendments are fully supported by the originally filed specification, claims, and drawings, for example in Fig. 2.

In the office action, claim 1 was objected to, and claims 15, 17, and 22 were rejected under 35 U.S.C. §112. Claims 1, 15, and 17 have now been canceled. Claim 22 has been amended to provide the required antecedent basis. The remaining rejection under section 112 is thus believed to be overcome.

Claims 1-12, 16, and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by Pearson. Claims 1-12, 16, and 18-21 were rejected under section 102(e) as anticipated by Nelson. Claims 1 and 18 were rejected under 35 U.S.C. § 103(a) over Pearson in view of Reinhard, Genese, and Brown. Claim 17 was rejected under section 103(a) over Pearson in view of Margulies. And claims 13 and 14 were rejected under section 103(a) over Pearson in view of Lundquist.

Of these claims, only claims 18-21 have not been cancelled. These claims, however, have all been amended to depend from new claim 24. Claim 24 is directed to an injector filling assembly that has a cartridge housing to receiving a first end of a cartridge that has a chamber containing a medicament. An adapter is associated with the cartridge housing and configured for coupling the chamber to an injector for transferring the medicament to the injector for loading the injector. Additionally, a post is associated with the cartridge housing in a manner that the post is too short to load the injector by biasing the stopper with the post, but is sufficiently long to displace the stopper towards the seal by an amount sufficient to overcome any adhesion between the chamber and the stopper for permitting filling by drawing the medicament from the chamber by vacuum.

It is noted that none of the structures of the references that are identified in the office action are actually taught or suggested in the references as being part of a filling assembly that is constructed to fill an injector. Rather, each of the identified structures are part of an injector that is not readily modifiable to fill another injector as claimed.

Moreover, none of the references have a post that is too short to load the injector, but long enough to displace the stopper towards the seal to overcome adhesion to allow the medicament to be drawn out of the chamber by vacuum to fill the injector. For

instance, plunger 28 of Pearson and front member 34 of Nelson were identified in the office action as being posts. These structures, however, are more akin to the claimed stopper than the post.

Moreover, since the Pearson plunger and the Nelson front member can move along the entire length of the chamber in which they reside, they are not too short to extract practically all of the medicament by moving along the length of the chamber. Since these structures need to be able to force out all or almost all of the medicament from the Pearson and Nelson injectors to produce the injection that the references require, these references teach away from providing an association of the plunger or front member with any housing that would render these structures too short to fill another injector by forcing out the medicament, as opposed to drawing it out by vacuum, even assuming that there references could be readily modified to fill another injector.

Claims 25-28 and 33-36 further define the association of the post with the housing in more particularity, and each not taught or suggested by the references for the reasons explained above.

Claims 29-32 define a cap to which the post is mounted and is engageable with the housing, such that upon the engagement the post is moved against the stopper to displace the stopper sufficiently to overcome the adhesion. These claims are also patentable on their own merits.

Claims 20 and 37 positively define the injector, and there is no teaching or suggestion to use the Pearson or Nelson injectors to fill another. This claim is thus also patentable distinct from the references.

Claim 19 positively recites the cartridge and the two-chamber construction. None of the references teach or suggest using such a cartridge in a filling device that is used to fill another injector. Even in the embodiment of Fig. 31 and 32, the post is not long enough to fill the injector, stopping at a position in which the medicament is reconstituted, but prevented from further movement to actually fill the injector with the medicament. Consequently, claim 19 is patentably distinct from the references.

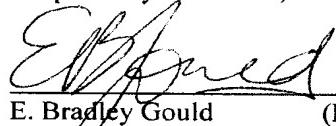
The other references do not remedy the deficiencies of Pearson or Nelson, so all of the claims are submitted to be patentable thereover.

Claims 1, 3-10, 12-14, and 16-21 were rejected on the ground of non-statutory double patenting over claims of U.S. Patent No. 6,673,035. Submitted herewith is a terminal disclaimer relating to U.S. Patent No. 6,673,035. Consequently, the non-statutory double-patenting rejection should be withdrawn.

Applicants appreciate that there is no substantive, prior-art rejection of claims 22 and 23. Since the section 112 rejections are believed to be overcome, these claims are also believed to be in condition for allowance.

In view of the foregoing, the entire application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

  
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